

Message Text

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ACTION DHA-02

INFO OCT-01 NEA-10 ISO-00 IO-11 DPW-01 OMB-01 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 USIA-06 AID-05 DIWY-01 SIL-01

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P 151503Z MAR 76

FM AMEMBASSY MANAMA

TO SECSTATE WASHDC PRIORITY 2851

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SUBJECT : HUMAN RIGHTS: 1976 REPORTING

REFERENCE : (A) 75 MANAMA 236, (B) STATE 45319

1. BECAUSE OF FREQUENTLY EXPERIENCED POUCH DELAYS, THIS MESSAGE IS IN LIEU OF THE AIRGRAM REPORT REQUESTED STATE REFTEL.

2. BASIC SITUATION. THE ACTUAL OBSERVANCE OF BASIC HUMAN RIGHTS IN BAHRAIN REMAINS ESSENTIALLY AS DESCRIBED IN THIS EMBASSY'S 1975 REPORT (MANAMA REFTEL). IN THE CONTEXT OF THE TRADITIONS AND HISTORY OF THIS PART OF THE WORLD, BAHRAIN CAN ACCURATELY BE REGARDED AS A PROGRESSIVE, TOLERANT AND EVEN RELATIVELY PERMISSIVE SOCIETY. THERE IS NO PLAUSIBLE EVIDENCE OF TORTURE OR OTHER DEGRADING TREATMENT OF PRISONERS. THERE IS NO FIRM EVIDENCE OF ARBITRARY ARRESTS ON ANY GROUNDS. DETENTION ON POLITICALLY-RELATED SECURITY GROUNDS IS LIMITED IN SCOPE. THE RULING ORDER IN BAHRAIN TOLERATES THE IDEOLOGICAL HOSTILITY OF A SMALL BUT SIGNIFICANT PERCENTAGE OF THE POPULACE. THE GOVERNMENT INSISTS THAT THOSE PROVISIONS OF THE BAHRAINI CONSTITUTION (PARA FOUR MANAMA REFTEL) WHICH SET FORTH

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ELABORATE AND PROGRESSIVE GUARANTEES OF HUMAN RIGHTS REMAIN

IN EFFECT, BUT THE PROVISIONS OF THE STATE'S SECURITY DECREE
RAISE QUESTIONS IN THIS REGARD.

3. LEGAL BASIS OF SECURITY ARRESTS. THE GOVERNMENT CONTINUES
TO ARREST AND DETAIN A SMALL NUMBER OF POLITICAL DISSIDENTS
WHOM IT CONSIDERS CONSTITUTE A CLEAR AND PRESENT PHYSICAL OR
POLITICAL RISK TO STATE SECURITY. IT DOES SO UNDER A DECREE
PROMULGATED IN OCTOBER 1974. THE MANY CRITICS OF THE DECREE
CLAIM THAT IT DEFINES SECURITY OFFENSES SO BROADLY AND LOOSELY
AS TO BE IN CONFLICT WITH THE HUMAN LIBERTIES GUARANTEED IN
THE CONSTITUTION. THIS ISSUE CAUSED A CONFRONTATION BETWEEN
THE GOVERNMENT AND THE NATIONAL ASSEMBLY IN MAY/JUNE 1975
WHICH IN PART PROMPTED THE AMIR OF BAHRAIN TO DISSOLVE THE
ASSEMBLY IN LATE AUGUST. THUS THE SECURITY DECREE RETAINS
THE FORCE OF LAW IN ACCORDANCE WITH PROCEDURES SET FORTH IN
THE CONSTITUTION BECAUSE THE NOW DEFUNCT NATIONAL ASSEMBLY
HAS NEVER ACTED UPON IT AND THE QUESTION OF ITS SUBSTANTIVE
"CONSTITUTIONALITY" REMAINS UNRESOLVED. IN THE ABSENCE OF
THE ASSEMBLY, THERE IS NO INSTITUTIONALIZED FORUM FOR CHALLENGING
THE CONSTITUTIONALITY OF THE DECREE.

4. DETAINEES. IN THE WAKE OF LABOR DISTURBANCES IN JUNE 1974,
THE GOVERNMENT OF BAHRAIN ARRESTED APPROXIMATELY THIRTY PERSONS
ON SECURITY GROUNDS UNDER AN EARLIER AND MORE STRINGENT
SECURITY DECREE FORTIFIED BY A LONG-STANDING DECLARATION OF
STATE OF EMERGENCY WHICH HAD TECHNICALLY NEVER BEEN RESCINDED.
BY THE TIME THE PRESENT SECURITY DECREE WAS ISSUED IN OCTOBER
1974, ALL BUT FIVE OF THESE DETAINEES HAD BEEN RELEASED.
THREE MONTHS LATER THE BAHRAIN JUDICIARY, IN ACCORDANCE WITH
THE NEW DECREE, REVIEWED THE CASES AND ORDERED TWO OF THE
FIVE RELEASED.

JUST PRIOR TO DISSOLVING THE ASSEMBLY IN AUGUST 1975, THE
REGIME ANNOUNCED THE EXISTENCE OF A SECURITY THREAT AGAINST
THE STATE AND PROCEEDED TO ARREST ABOUT FORTY BAHRAINIS
DESCRIBED AS SECURITY RISKS AFFILIATED WITH THE NATIONAL
LIBERATION FRONT OF BAHRAIN OR THE POPULAR FRONT OF THE
LIBERATION OF OMAN. LATER, A MEMBER OF THE ASSEMBLY'S RADICAL
"PEOPLES' BLOC", ALI RABIA, WAS ARRESTED FOR HAVING MADE
ALLEGATIONS IN A CABLE TO THE INTERNATIONAL PARLIAMENTARY
UNION OF VIOLATIONS OF HUMAN LIBERTIES IN CONNECTION WITH
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THE GOVERNMENT'S ACTIONS IN AUGUST. IN THE FALL OF 1975,
RABIA WAS RELEASED. LATER RABIA'S PEOPLE' BLOC COLLEAGUE,
MUHSIN MARHOON, WAS ARRESTED UPON HIS RETURN FROM KUWAIT
WHERE HE HAD ENGAGED IN PUBLIC CRITICISM OF THE BAHRAIN
GOVERNMENT IN CONNECTION WITH THE AUGUST 1975 DEVELOPMENTS.
SOME OF THESE DETAINEES HAVE BEEN TRIED OR RELEASED. THE
EMBASSY IS UNAWARE, HOWEVER, THAT ALL OF THE REMAINING DETAINEES
HAVE BEEN ACCORDED THE RIGHT TO A JUDICIAL REVIEW OF THEIR

CASES AFTER THREE MONTHS OF DETENTION. IF SUCH REVIEW HAS NOT
TAKEN PLACE, THE GOVERNMENT HAS FAILED TO IMPLEMENT STRICTLY
THE DUE PROCESS SAFEGUARDS SPECIFIED IN ITS OWN SECURITY
DECREE.

4. SETBACK TO DEMOCRACY. WHILE REGARD FOR SANCTITY OF THE
INDIVIDUAL AND RULE OF LAW REMAINS RELATIVELY HIGH, GIVEN
REGIONAL HISTORY AND TRADITIONS, BAHRAIN'S EXPERIMENT IN
REPRESENTATIVE DEMOCRACY SUFFERED A SERIOUS SETBACK IN 1975.
THE AMIR, ABSOLUTE MONARCH UNTIL HE "GRANTED" THE CONSTITUTION
IN LATE 1973, AFTER CONSULTING WITH HIS GOVERNMENT SUSPENDED
THOSE PROVISIONS OF THE CONSTITUTION DEALING WITH THE ASSEMBLY
AND DISSOLVED THE ASSEMBLY. THE AMIR AND GOVERNMENT ARGUE THAT
BAHRAIN'S YEAR AND A HALF EXPERIMENT WITH PARLIAMENTARY
DEMOCRACY HAD FAILED BECAUSE THE ASSEMBLY HAD BEEN A DIVISIVE
INFLUENCE AND HAD OBSTRUCTED THE GOVERNMENT'S EFFORTS TO GET ON WITH
URGENTLY NEEDED ADMINISTRATIVE AND ECONOMIC/SOCIAL REFORMS.WHAT PASSES

FOR PUBLIC REACTION TO THE GOVERNMENT'S ASSERTIONS HAS BEEN MIXED.THE

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GOVERNMENT STRESSES THAT, EXCEPT FOR THOSE SECTIONS DEALING
WITH THE ASSEMBLY, THE 1973 CONSTITUTION REMAINS FULLY IN
FORCE AND THAT DEMOCRATIC PARTICIPATION IN GOVERNMENT WILL BE

REINSTITUTED IN SOME AS YET UNDEFINED FORM IN THE NEAR FUTURE. GOVERNMENT LEADERS, AND SOME OTHER BAHRAINIS, QUESTION WHETHER A DIRECTLY ELECTED PARLIAMENT IS APPROPRIATE TO A COMMUNITY WITH ONLY 200,000 CITIZENS (SEVERAL OF THE 30 DEPUTIES IN THE NATIONAL ASSEMBLY RECEIVED ONLY AROUND 500 VOTES IN THE 1973 ELECTIONS).

5. PRESS FREEDOM. LAST SUMMER THE GOVERNMENT BRIEFLY SUSPENDED PUBLICATION OF ONE OF BAHRAIN'S THREE ARABIC-LANGUAGE WEEKLIES; THE EDITOR WAS DETAINED, TRIED AND ACQUITTED OF CHARGES RELATED TO HARMFUL CRITICISM OF A COUNTRY WITH WHICH BAHRAIN HAS FRIENDLY RELATIONS. EDITORIAL POLITICAL CRITICISM IN THE LOCAL PRESS IS GENERALLY BLAND. BAHRAIN DISSIDENTS USE KUWAITI AND OTHER FOREIGN JOURNALS TO EXPRESS THEIR SHARPER VIEWS ON THE BAHRAINI POLITICAL SCENE. ALL THESE FACTORS SUGGEST THAT UNDER GOVERNMENT "GUIDANCE" THE BAHRAINI PRESS IS EXPECTED TO ENGAGE IN FAIRLY CAREFUL "SELF-CENSORSHIP".

6. OTHER ASPECTS OF HUMAN RIGHTS. RELIGIOUS, ETHNIC AND RACIAL TOLERANCE HAS TRADITIONALLY BEEN A STRIKING CHARACTERISTIC LIMITED OFFICIAL USE

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OF BAHRAIN, AND REMAINS SO. THE EASY ACCEPTANCE OF BAHRAINI JEWS IN IMPORTANT ROLES IN THIS ARAB/ISLAMIC COMMUNITY IS BUT ONE EXAMPLE OF THIS ENLIGHTENED ATTITUDE. THE GOVERNMENT'S ATTITUDE TOWARD LABOR REMAINS SOMEWHAT PATERNALISTIC; THE RIGHT TO FORM TRADE UNIONS GUARANTEED IN THE CONSTITUTION HAS YET TO BE IMPLEMENTED WHILE THE LONG-AWAITED MODERN LABOR LAW UNDERGOES FINAL DRAFTING. COMMERCIAL AND REAL ESTATE BOOMS ARE INTENSIFYING THE INEQUALITY OF WEALTH IN THIS ESSENTIALLY FREE-ENTERPRISE COMMUNITY, BUT THE GOVERNMENT IS DEVOTING THE BULK OF LIMITED PUBLIC RESOURCES TO ACHIEVE THE "SOCIAL WELFARE" PRIVILEGES GRANTED THE CITIZEN IN THE CONSTITUTION. THE EMANCIPATION OF WOMAN IS PROCEEDING APACE IN BAHRAIN; LONG ESTABLISHED IN EDUCATION, IT IS NOW MOVING TOWARD THE GOAL OF JOB EQUALITY. BAHRAINI WOMEN STILL CANNOT EXERCISE THE VOTE PROMISED THEM IN THE CONSTITUTION, BUT AT THE MOMENT THERE IS NOTHING TO VOTE FOR.

7. CONCLUSION AND U.S. ATTITUDE. ASIDE FROM RECENT BACKSLIDING IN ITS COMMITMENT TO REPRESENTATIVE DEMOCRACY, THE GOVERNMENT OF BAHRAIN, IN OUR VIEW, MEETS A DECENT WORLD STANDARD IN ITS ADHERENCE TO HUMAN RIGHTS; EVEN ITS PRESENT ATTITUDE TOWARD DEMOCRACY AND FREEDOM OF THE PRESS IS HARDLY REPRESSIVE BY REGIONAL STANDARDS OR IN THE CONTEST OF BAHRAIN'S OWN HISTORY AND TRADITIONS. ON THE ISSUE OF THE NATIONAL ASSEMBLY THE EMBASSY, AND APPROPRIATE SENIOR VISITING AMERICAN OFFICIALS, HAVE REPEATEDLY STRESSED INFORMALLY TO THE TOP LEADERS U.S. GRATIFICATION THAT BAHRAIN'S REGIME HAS TAKEN THE PATH OF CONSTITUTIONAL GOVERNMENT AND THAT IT NOW EXPRESSES DETER-

MINATION TO RESUME THE DEMOCRATIC EXPERIMENT. AT THE SAME
TIME WE HAVE AVOIDED APPEARING TO TELL THE BAHRAINIS HOW TO
RUN THEIR OWN COUNTRY.

WE HAVE, HOWEVER, ARGUED AGAINST THE INCREASINGLY EXPRESSED
"PERSONAL OPINION" OF SOME BAHRAINI LEADERS THAT THE PRESENT
AMERICAN MODEL OF REPRESENTATIVE DEMOCRACY AND PRESS FREEDOM
IS NOT SOMETHING LESS STURDY SOCIETIES WOULD WANT TO RISK.
DECONTROL UPON RECEIPT.

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